

MS 002.09C

5/07/10 3:17:23
OK W BK 633 PG 27
DESOLO COUNTY, MS
W.E. DAVIS, CH CLERK

STATE OF MISSISSIPPI)
COUNTY OF DESOTO)

**PERMANENT UTILITY EASEMENT
TEMPORARY CONSTRUCTION EASEMENT**

THIS INDENTURE, made and entered into on this the 5th day of March, 2010, by and between Larry Baptist party of the first part, and the CITY OF SOUTHAVEN, MISSISSIPPI, a municipal corporation and body politic, party of the second part.

WITNESSETH:

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and other good and valuable considerations hereinafter recited, does hereby give, grant and convey unto the part of the second party, its successors and assigns, a permanent utility easement along, across or under the hereinafter described property to be used as a general utility easement by the City of Southaven, Mississippi, and a temporary construction easement along, across or under lands of the part of the first part, all situated in DeSoto County, Mississippi and described as follows, to-wit:

A forty (40) foot wide permanent utility easement located in the Northwest Quarter (NW ¼) of Section 28, Township 2 South, Range 7 West, DeSoto County, Mississippi being twenty (20) feet either side of the centerline of a proposed sanitary sewer line more particularly described as:

Said centerline begins on the South property line of the Baptist property as recorded in Deed Book 187, Page 498, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 232 feet, more or less, West of the Southeast corner along the south property line of the Baptist property, as recorded in Deed Book 187, Page 498, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 44°27'54" E a distance of 69.92 feet, more or less to a manhole; thence N 48°29'28" E a distance of 368.59 feet, more or less to North property line of Baptist property and containing 0.40 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide temporary easement located along, adjoining and North of the above described permanent utility easement and containing 0.15 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide temporary easement located along, adjoining and South of the above described permanent utility easement and containing 0.15 acres, more or less.

TOGETHER WITH all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said easement;

The temporary construction easement conveyed hereby shall be effective upon the date of execution hereof, but shall terminate upon the completion date of the utility project by the City of Southaven, Mississippi.

The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason for the installation of the structures referred to herein and grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use of the grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns. The Grantors do covenant that they are the Owners of the above mentioned land and that said land is free and clear of all encumbrances and liens except the following:

Deed
+ not City of SH

2

IN WITNESS THEREOF, the party of the first part hereunto subscribed their names on the date first above written.

Larry D. Baptist

STATE OF MISSISSIPPI
COUNTY OF DESOTO

I, Larry D. Baptist, personally appeared before me, the undersigned authority in and for said county and state, on this 9th day of March 20 10, within my jurisdiction, the within named, Larry D. Baptist who acknowledged before me that he witnessed the execution of the above and foregoing instrument.

Gwyn Young Rowland
Notary Public



My Commission expires: _____

INDEXING INSTRUCTIONS: NW 1/4 SECTION 29, T2S, R7W, DESOTO COUNTY, MS

Grantor's Address: 1762 Swinnea Road
Nesbit, MS 38851

Grantee's Address: 8710 Northwest Dr.
Southaven, MS 38671

INSTRUMENT PREPARED BY:

Neel-Schaffer
5740 Getwell Road, Bldg 2
Southaven, Mississippi 38672
Phn. No. (662) 890-8404